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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/589,155

**Applicant(s)**

PEDERSEN ET AL.

**Examiner**

Chun-Kuan Lee

**Art Unit**

2181

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-29 and 31-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 and 31-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 August 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 08/11/2008
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### **I. ACKNOWLEDGEMENT OF REFERENCES CITED BY APPLICANT**

1. As required by **M.P.E.P. 609(C)**, the applicant's submissions of the Information Disclosure Statement dated August 11, 2006 is acknowledged by the examiner and the cited references have been considered in the examination of the claims now pending. As required by **M.P.E.P 609 C(2)**, a copy of the PTOL-1449 initialed and dated by the examiner is attached to the instant office action.

### **II. OBJECTIONS TO THE DRAWINGS**

2. The drawings are objected to because In Figure 3, the download initialization (element 60) appears to be pointing in the wrong direction, as in accordance to the disclosure in the Specification (page 7, lines 11-13), the download initialization is done by the Client (element 10), where as Figure 3 currently appears to be showing the download initialization is done by the Server (element 20). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief

description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### **III. OBJECTIONS TO THE ABSTRACT**

3. Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

Art Unit: 2181

4. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

5. The abstract of the disclosure is objected to because form and legal phraseology often used in patent claims are utilized in constructing the abstract; preferably, the abstract should provide brief disclosure to assist reader gaining a general understanding of the invention and decide whether there is a need for consulting the full patent text for detail. Correction is required. See MPEP § 608.01(b).

#### **IV. REJECTIONS BASED ON 35 U.S.C. 112**

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 12 and 40 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claim 12, It is not fully clear to the examiner if the claimed limitation of "and/or" (in line 3) should be "and" or "or," the examiner will assume the claimed limitation of "or" for the current examination.

As per claim 40, starting on line 5, it is not fully clear to the examiner as to what the applicant is claiming, it seems there is a repetition of claims as following "...identifying the first leaf node that specifies execution of an unidentified executable on the first data stored at the first node identifying the first leaf node that specifies execution of an unidentified execution on the first data store at the first node ..." the examiner will assume the claimed limitation of "...command identifying the first leaf node that specifies execution of an unidentified executable on the first data stored at the first node; ..." for the current examination.

#### **V. REJECTIONS BASED ON PRIOR ART**

##### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-29 and 31-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rao et al. (US Patent 6,978,453) in view of Szeto (US Patent 7,188,143).

8. As per claim 1, Rao teaches a method comprising:

receiving at an electronic device (Fig. 1, ref. 107) a command identifying first data (Fig. 1; col. 3, ll. 21-44; col. 6, l. 49 to col. 7, l. 19 and col. 8, l. 25 to col. 12, l. 19), wherein the first data is identified to be associated with firmware update data;

automatically determining (e.g. determining via recognition) a property of the identified first data (e.g. property identifying first data to be firmware update data) (col. 8, l. 25 to col. 12, l. 19), as the received command is recognized by the electronic device to have the property associated with firmware updating;

operating on the identified first data using an executable (e.g. module)(col. 5, ll. 23-32 and col. 5, l. 61 to col. 6, l. 4), as the module would operate on the firmware update data via downloading and updating processes.

Rao does not teach the method comprising automatically identifying an executable from the determined property for operating on the identified first data.

Szeto teach a system and method comprising automatically identifying an executable (e.g. supporting application) from a determined property (e.g. movie trailer, game, animation cartoon, advertisement, flash presentation) for operating on an identified first data (Fig. 12A and col. 12, l. 66 to col. 13, l. 16), as the property of the received data is determined for identifying and launching the corresponding supporting application to operate on the received data.

It would have been obvious for one of ordinary skill in this art, at the time of invention was made to include Szeto's identification of the executable into Rao's operation of the first identified data for the benefit of having a reliable system and

method for a user to execute and control application (Szeto, col. 2, ll. 30-33) to obtain the invention as specified in claim 1.

9. As per claim 2, Rao and Szeto teach all the limitations of claim 1 as discussed above, where both further teach the method comprising wherein the determined property of the identified data indicates a content type (e.g. firmware update, movie trailer, game, animation cartoon, advertisement, flash presentation) (Rao, col. 8, l. 25 to col. 12, l. 19 and Szeto, Fig. 12A and col. 12, l. 66 to col. 13, l. 16).

10. As per claim 3, Rao and Szeto teach all the limitations of claim 1 as discussed above, where Rao further teaches the method comprising wherein the command contains an identifier (e.g. URI) of the first data (Rao, col. 6, l. 49 to col. 7, l. 19 and col. 8, ll. 25-34).

11. As per claim 4, Rao and Szeto teach all the limitations of claim 3 as discussed above, where Rao further teaches the method comprising wherein the identifier identifies a node of a hierarchical nodular data structure (e.g. tree data structure) (Rao, col. 6, l. 49 to col. 7, l. 19 and col. 8, ll. 25-34).

12. As per claim 5, Rao and Szeto teach all the limitations of claim 4 as discussed above, where Rao further teaches the method comprising wherein the command is an exec command and the identifier is a URI contained within a source element, which is



Art Unit: 2181

contained within the exec command (Rao, col. 6, l. 49 to col. 7, l. 19 and col. 8, l. 25 to col. 12, l. 19).

13. As per claim 6, Rao and Szeto teach all the limitations of claim 1 as discussed above, where both further teach the method comprising wherein the command is received as XML code (Rao, col. 6, ll. 49 to col. 7, l. 3 and Szeto, col. 7, ll. 48-53).

14. As per claim 7, Rao and Szeto teach all the limitations of claim 6 as discussed above, where Rao further teaches the method comprising wherein the command is a SyncML command (Rao, col. 6, ll. 49 to col. 7, l. 3 and col. 8, l. 25 to col. 12, l. 19).

15. As per claim 8, Rao and Szeto teach all the limitations of claim 1 as discussed above, where Rao further teaches the method comprising wherein the identified first data is stored at the electronic device (Rao, col. 3, ll. 52-63; col. 5, ll. 23-32; col. 7, ll. 38-41 and col. 11, l. 48 to col. 12, l. 19).

16. As per claim 9, Rao and Szeto teach all the limitations of claim 6 as discussed above, where Rao further teaches the method comprising wherein the identified first data is stored as a first leaf node of a hierarchical nodular data structure (e.g. tree data structure) (Rao, col. 3, ll. 52-63; col. 6, l. 49 to col. 7, l. 19; col. 8, ll. 25-34 and col. 11, l. 48 to col. 12, l. 19), as the data would have been store in the first leaf node of the tree data structure.

17. As per claim 10, Rao and Szeto teach all the limitations of claim 9 as discussed above, where both further teach the method comprising wherein the determined property of the identified data indicates a content type, wherein each leaf node of the hierarchical nodular data structure has properties and wherein determining the content type uses the properties of the first leaf node (Rao, col. 6, l. 49 to col. 7, l. 19; col. 8, l. 25 to col. 12, l. 19, and Szeto, Fig. 12A; col. 12, l. 66 to col. 13, l. 16).

18. As per claim 11, Rao and Szeto teach all the limitations of claim 9 as discussed above, where both further teach the method comprising wherein the determined property of the identified data indicates a content type, wherein each leaf node of the hierarchical nodular data structure has metadata and wherein determining the content type uses the first leaf node's metadata (Rao, col. 6, l. 49 to col. 7, l. 19; col. 8, l. 25 to col. 12, l. 19, and Szeto, Fig. 12A; col. 12, l. 66 to col. 13, l. 16).

19. As per claim 12, Rao and Szeto teach all the limitations of claim 1 as discussed above, where Szeto further teaches the method comprising wherein the determined property of the identified data indicates a content type and wherein determining the content type uses the value of a Format element or the value of a Type element associated with the first data (Szeto, Fig. 12A and col. 12, l. 66 to col. 13, l. 16).

20. As per claim 13, Rao and Szeto teach all the limitations of claim 1 as discussed above, where Szeto further teaches the method comprising associating a plurality of different executables (e.g. different supporting applications for movie trailer, game, animation cartoon, advertisement, flash presentation) with each of a plurality of different properties (Szeto, Fig. 12A and col. 12, l. 66 to col. 13, l. 16), as each different properties have the corresponding supporting application.

21. As per claim 14, Rao and Szeto teach all the limitations of claim 13 as discussed above, where Szeto further teaches the method comprising wherein automatically identifying an executable from the determined property comprises identifying the executable associated with the determined property (Szeto, Fig. 12A and col. 12, l. 66 to col. 13, l. 16).

22. As per claim 15, Rao and Szeto teach all the limitations of claim 13 as discussed above, where both further teach the method comprising wherein the plurality of different executables are stored in the electronic device (Rao, Fig 1; col. 5, l. 23 to col. 6, l. 4 and Szeto, Fig. 12A; col. 12, l. 66 to col. 13, l. 16), as the electronic device would have the corresponding supporting application for operating the first data.

23. As per claim 16, Rao and Szeto teach all the limitations of claim 1 as discussed above, where Rao further teaches the method comprising before receiving the command identifying the first data, receiving commands for creating a hierarchical

Art Unit: 2181

nodular data structure (e.g. tree data structure) including the first data at the electronic device (Rao, col. 6, l. 49 to col. 7, l. 19 and col. 7, ll. 38-41), as the tree data structure is created.

24. As per claim 17, Rao teaches a method comprising:

transferring code comprising a command to an electronic device (Fig. 1, ref. 107), wherein the command identifies a first leaf node of a hierarchical nodular data structure (e.g. tree data structure) (Fig. 1; col. 3, ll. 21-44; col. 6, l. 49 to col. 7, l. 19 and col. 8, l. 25 to col. 12, l. 19), as the first leaf node would reside within the tree data structure;

determining (e.g. determining via recognition) a property of the identified first leaf node (e.g. property identifying first leaf node to be firmware update data) (col. 8, l. 25 to col. 12, l. 19), as the received command is recognized by the electronic device to have the property associated with firmware updating; and

operating on data store at the identified first leaf node using an executable (e.g. module)(col. 5, ll. 23-32; col. 5, l. 61 to col. 6, l. 4 and col. 8, l. 25 to col. 12, l. 19), as the module would operate on the firmware update data via downloading and updating processes.

Rao does not teach the method comprising identifying an executable from the determined property for operating on the data.

Szeto teach a system and method comprising identifying an executable (e.g. supporting application) from a determined property (e.g. movie trailer, game, animation

cartoon, advertisement, flash presentation) for operating on a data (Fig. 12A and col. 12, l. 66 to col. 13, l. 16), as the property of the received data is determined for identifying and launching the corresponding supporting application to operate on the received data.

It would have been obvious for one of ordinary skill in this art, at the time of invention was made to include Szeto's identification of the executable into Rao's operation of the data for the benefit of having a reliable system and method for a user to execute and control application (Szeto, col. 2, ll. 30-33) to obtain the invention as specified in claim 17.

25. As per claim 18, Rao teaches a method, comprising:

receiving re-usable code at an electronic device (Fig. 1, ref. 107) (Fig. 1; col. 2, ll. 3-20; col. 3, ll. 21-44; col. 6, l. 49 to col. 7, l. 19 and col. 8, l. 25 to col. 12, l. 19) (e.g. the code would be re-usable as SyncML specification enable operation with any mobile device) wherein the code comprises:

commands for creating at the electronic device a hierarchical nodular data structure (e.g. tree data structure), having leaf nodes and interior nodes (i.e. the tree data structure would have the corresponding leaf nodes and interior nodes), that comprises first data stored at a first leaf node; and a first command identifying the first leaf node (Fig. 1; col. 3, ll. 21-44; col. 6, l. 49 to col. 7, l. 19; col. 7, ll. 38-41 and col. 8, l. 25 to col. 12, l. 19);

commands for determining (e.g. determining via recognition) a property of the identified first leaf node (e.g. property identifying first leaf node to be firmware update data) (col. 8, l. 25 to col. 12, l. 19), as the received command is recognized by the electronic device to have the property associated with firmware updating; and

commands for operating on the first data stored at the first leaf node using an executable (e.g. module)(col. 5, ll. 23-32 and col. 5, l. 61 to col. 6, l. 4), as the module would operate on the firmware update data via downloading and updating processes.

Rao does not teach the method comprising command for identifying an executable from the determined property for operating on the first data.

Szeto teach a system and method comprising command for identifying an executable (e.g. supporting application) from a determined property (e.g. movie trailer, game, animation cartoon, advertisement, flash presentation) for operating on a first data (Fig. 12A and col. 12, l. 66 to col. 13, l. 16), as the property of the received data is determined for identifying and launching the corresponding supporting application to operate on the received data.

It would have been obvious for one of ordinary skill in this art, at the time of invention was made to include Szeto's identification of the executable into Rao's operation of the first data for the benefit of having a reliable system and method for a user to execute and control application (Szeto, col. 2, ll. 30-33) to obtain the invention as specified in claim 18.

26. As per claim 19, Rao teaches an electronic device, comprising:

a memory configured to store first data (Fig. 1; col. 3, ll. 21-63; col. 6, l. 49 to col. 7, l. 19 and col. 8, l. 25 to col. 12, l. 19);

a receiver configured to receive a command identifying the first data (Fig. 1; col. 3, ll. 21-44; col. 6, l. 49 to col. 7, l. 19 and col. 8, l. 25 to col. 12, l. 19), as the mobile device (Fig. 1, ref. 107) must have the receiver in order to receive commands from the SyncML server (Fig. 1, ref. 109); and

a processor (Fig. 1, ref. 107) operable to determine a property of the identified first data and operate on the identified data using an executable (col. 5, ll. 23-32; col. 5, l. 61 to col. 6, l. 4 and col. 8, l. 25 to col. 12, l. 19), as the received command is recognized by the electronic device to have the property associated with firmware updating, which the module would then operate on the firmware update data via downloading and updating processes.

Rao does not teach the method comprising identifying an executable from the determined property for operating on the first data.

Szeto teach a system and method comprising identifying an executable (e.g. supporting application) from a determined property (e.g. movie trailer, game, animation cartoon, advertisement, flash presentation) for operating on a first data (Fig. 12A and col. 12, l. 66 to col. 13, l. 16), as the property of the received data is determined for identifying and launching the corresponding supporting application to operate on the received data.

It would have been obvious for one of ordinary skill in this art, at the time of invention was made to include Szeto's identification of the executable into Rao's

operation of the first data for the benefit of having a reliable system and method for a user to execute and control application (Szeto, col. 2, ll. 30-33) to obtain the invention as specified in claim 19.

27. As per claim 20, Rao and Szeto teach all the limitations of claim 19 as discussed above, where Rao further teaches the electronic device comprising wherein the receiver is further configured to receive a set-up code (e.g. set-up code such as add command), and the processor is operable to interpret the received set-up code to create a hierarchical nodular data structure (e.g. tree data structure), having leaf nodes and interior nodes, that comprises a first leaf node storing the first data (Rao, Fig. 1; col. 3, ll. 21-44; col. 6, l. 49 to col. 7, l. 19; col. 7, ll. 38-41 and col. 8, l. 25 to col. 12, l. 19), as the created tree data structure have the corresponding leaf nodes and interior nodes.

28. As per claim 21, Rao and Szeto teach all the limitations of claim 19 as discussed above, where both further teach the electronic device comprising wherein the processor is operable to interpret a first command within the received set-up code to determine a property (e.g. firmware update, movie trailer, game, animation cartoon, advertisement, flash presentation) of the leaf node identified by the first command (Rao, col. 8, l. 25 to col. 12, l. 19 and Szeto, Fig. 12A; col. 12, l. 66 to col. 13, l. 16).

29. As per claim 22, Rao teaches a data structure embodied on a computer readable medium, comprising: code the execution of which resulting in operating comprising:



identifying first data (Fig. 1; col. 3, ll. 21-44; col. 6, l. 49 to col. 7, l. 19 and col. 8, l. 25 to col. 12, l. 19), as the first data associated with the firmware update data is identified; and

execution on the first data (col. 5, ll. 23-32 and col. 5, l. 61 to col. 6, l. 4), as the module would execute on the first data via downloading and updating processes.

Rao does not teach the data structure comprising specifying execution of an unidentified executable on the first data.

Szeto teach a system and method comprising specifying execution of an unidentified executable (e.g. supporting application) on a first data (Fig. 12A and col. 12, l. 66 to col. 13, l. 16), as the unidentified executable is specified base on the property of the first data.

It would have been obvious for one of ordinary skill in this art, at the time of invention was made to include Szeto's specification of the unidentified executable into Rao's execution of the first data for the benefit of having a reliable system and method for a user to execute and control application (Szeto, col. 2, ll. 30-33) to obtain the invention as specified in claim 22.

30. As per claim 23, Rao and Szeto teach all the limitations of claim 22 as discussed above, where Rao further teaches the data structure comprising wherein the code further specifies the transfer of the first data to an electronic device (Rao, Fig. 1, ref. 107) (Rao, Fig. 1; col. 6, l. 49 to col. 7, l. 19 and col. 8, l. 25 to col. 12, l. 19).

31. As per claim 24, Rao teaches a data structure embodied on a computer readable medium, comprising:

commands execution of which create at an electronic device (Fig. 1, ref. 107) a hierarchical nodular data structure (e.g. tree data structure), having leaf nodes and interior nodes, that comprises first data stored at a first leaf node (Fig. 1; col. 3, ll. 21-44; col. 6, l. 49 to col. 7, l. 19; col. 7, ll. 38-41 and col. 8, l. 25 to col. 12, l. 19), as the tree data structure would have the leaf nodes and interior nodes; and

a first command identifying the first leaf node that an executable (e.g. module) would operate on the first data stored at the first node (col. 5, ll. 23-32; col. 5, l. 61 to col. 6, l. 4 and col. 8, l. 25 to col. 12, l. 19), as the module would operate on the firmware update data via downloading and updating processes

Rao does not teach the data structure comprising specifying execution of an unidentified executable on the first data.

Szeto teach a system and method comprising specifying execution of an unidentified executable (e.g. supporting application) on a first data (Fig. 12A and col. 12, l. 66 to col. 13, l. 16), as the unidentified executable is specified base on the property of the first data.

It would have been obvious for one of ordinary skill in this art, at the time of invention was made to include Szeto's specification of the unidentified executable into Rao's execution of the first data for the benefit of having a reliable system and method for a user to execute and control application (Szeto, col. 2, ll. 30-33) to obtain the invention as specified in claim 24.

32. As per claim 25, Rao and Szeto teach all the limitations of claim 22 as discussed above, where both further teach a method, comprising: using a data structure as claimed in claim 22 (Rao, Fig. 1; col. 3, ll. 21-44; col. 6, l. 49 to col. 7, l. 19; col. 7, ll. 38-41 and col. 8, l. 25 to col. 12, l. 19 and Szeto, Fig. 12A and col. 12, l. 66 to col. 13, l. 16).

33. As per claim 26, Rao and Szeto teach all the limitations of claim 22 as discussed above, where both further teach a method comprising: setting-up an electronic device (Rao, Fig. 1, ref. 107) using a data structure as claimed in claim 22 (Rao, Fig. 1; col. 3, ll. 21-44; col. 6, l. 49 to col. 7, l. 19; col. 7, ll. 38-41 and col. 8, l. 25 to col. 12, l. 19 and Szeto, Fig. 12A and col. 12, l. 66 to col. 13, l. 16).

34. As per claim 27, Rao and Szeto teach all the limitations of claim 22 as discussed above, where both further teach a method comprising: re-using the data structure as claimed in claim 22, to set-up different electronic devices (Rao, Fig. 1; col. 2, ll. 3-20; col. 3, ll. 21-44; col. 6, l. 49 to col. 7, l. 19; col. 7, ll. 38-41 and col. 8, l. 25 to col. 12, l. 19 and Szeto, Fig. 12A and col. 12, l. 66 to col. 13, l. 16), as the SyncML specification is able to work with any mobile device, therefore, the data structure would be re-usable.

35. As per claim 28, Rao and Szeto teach all the limitations of claim 22 as discussed above, where Rao further teaches a server (Rao, Fig. 1, ref. 109) for storing and

transmitting the data structure as claimed in claim 22 (Rao, Fig. 1; col. 3, ll. 21-44; col. 6, l. 49 to col. 7, l. 19; col. 7, ll. 38-41 and col. 8, l. 25 to col. 12, l. 19).

36. As per claim 29, Rao teaches a system, comprising:

means for creating a data structure (e.g. tree data structure) for re-use in setting up different electronic devices (Fig. 1, ref. 107) by having a plurality of user friendly commands, each of which includes one or more commands (e.g. commands including Add, Copy, Delete, Exec, Get, Sequence) (Rao, Fig. 1; col. 2, ll. 3-20; col. 3, ll. 21-44; col. 6, l. 49 to col. 7, l. 19; col. 7, ll. 38-41 and col. 8, l. 25 to col. 12, l. 19), as the SyncML specification is able to work with any mobile device, therefore, the data structure would be re-usable; and

means for storing the data structure (Rao, Fig. 1; col. 3, ll. 21-44; col. 3, ll. 52-63; col. 6, l. 49 to col. 7, l. 19; col. 7, ll. 38-41 and col. 8, l. 25 to col. 12, l. 19), wherein the data structure is stored in the memory.

Rao does not teach the system comprising associating each one of the plurality of user friendly commands with different code portions

Szeto teach a system and method comprising associating each one of the plurality of user friendly commands (e.g. received IM message) with different code portions (e.g. supporting application) (Fig. 12A and col. 12, l. 66 to col. 13, l. 16), as the received IM message is associated with the corresponding supporting application via determination of the received IM message's application type.

It would have been obvious for one of ordinary skill in this art, at the time of invention was made to include Szeto's association into Rao's user friendly commands and code portions for the benefit of having a reliable system and method for a user to execute and control application (Szeto, col. 2, ll. 30-33) to obtain the invention as specified in claim 29.

37. As per claim 31, Rao and Szeto teach all the limitations of claim 29 as discussed above, were Rao further teaches the system comprising wherein a first user friendly command is associated with XML code comprising only a SyncML Add command (Rao, col. 3, ll. 21-44 and col. 6, l. 49 to col. 7, l. 19), as only the Add command is utilized.

38. As per claim 32, Rao and Szeto teach all the limitations of claim 29 as discussed above, were Rao further teaches the system comprising wherein a second user friendly command is associated with XML code comprising a SyncML Add command followed by a SyncML Exec command (Rao, col. 3, ll. 21-44 and col. 6, l. 49 to col. 7, l. 19), as the Add and Exec commands are utilized.

39. As per claim 33, Rao and Szeto teach all the limitations of claim 29 as discussed above, were Rao further teaches the system comprising wherein a third user friendly command is associated with XML code comprising a SyncML Add command followed by a SyncML exec command followed by SyncML Delete command (Rao, col. 3, ll. 21-44 and col. 6, l. 49 to col. 7, l. 19), as the Add, Exec and Delete commands are utilized.

40. As per claim 34, Rao an electronic device (Fig. 1, ref. 107), comprising:  
means for storing first data (Fig. 1; col. 3, ll. 52-63; col. 6, l. 49 to col. 7, l. 19 and col. 8, l. 25 to col. 12, l. 19);

means for receiving a command identifying the first data (Fig. 1; col. 3, ll. 21-44; col. 6, l. 49 to col. 7, l. 19 and col. 8, l. 25 to col. 12, l. 19), wherein the first data is identified to be associated with firmware update data;

means for determining (e.g. determining via recognition) a property of the identified first data (e.g. property identifying first data to be firmware update data) (col. 8, l. 25 to col. 12, l. 19), as the received command is recognized by the electronic device to have the property associated with firmware updating;

means for operating on the identified data using an executable (e.g. module)(col. 5, ll. 23-32 and col. 5, l. 61 to col. 6, l. 4), as the module would operate on the firmware update data via downloading and updating processes.

Rao does not teach the method comprising means for identifying an executable from the determined property for operating on the identified data

Szeto teach a system and method comprising means for identifying an executable (e.g. supporting application) from a determined property (e.g. movie trailer, game, animation cartoon, advertisement, flash presentation) for operating on a data (Fig. 12A and col. 12, l. 66 to col. 13, l. 16), as the property of the received data is determined for identifying and launching the corresponding supporting application to operate on the received data.

It would have been obvious for one of ordinary skill in this art, at the time of invention was made to include Szeto's identification of the executable into Rao's operation of the identified data for the benefit of having a reliable system and method for a user to execute and control application (Szeto, col. 2, ll. 30-33) to obtain the invention as specified in claim 34.

41. As per claim 35, Rao teaches a method, comprising: providing code identifying first data (e.g. firmware update data); and transmitting the code (e.g. transmit to the mobile handset 107 of Fig 1) (Fig. 1; col. 3, ll. 21-44; col. 6, l. 49 to col. 7, l. 19 and col. 8, l. 25 to col. 12, l. 19).

Rao does not teach the method comprising specifying execution of an unidentified executable on the first data.

Szeto teach a system and method comprising specifying execution of an unidentified executable (e.g. supporting application) on a first data (Fig. 12A and col. 12, l. 66 to col. 13, l. 16), as the specification of the supporting application is in accordance with the property of the first data.

It would have been obvious for one of ordinary skill in this art, at the time of invention was made to include Szeto's specification of the unidentified executable into Rao's operation of the first data for the benefit of having a reliable system and method for a user to execute and control application (Szeto, col. 2, ll. 30-33) to obtain the invention as specified in claim 35.

42. As per claim 36, Rao teaches a method, comprising:

transmitting commands for creating a hierarchical nodular data structure (e.g. tree data structure), having leaf nodes and interior nodes, that comprises first data stored at a first leaf node (Fig. 1; col. 3, ll. 21-44; col. 6, l. 49 to col. 7, l. 19; col. 7, ll. 38-41 and col. 8, l. 25 to col. 12, l. 19), as the tree data structure would have the leaf nodes and interior nodes; and

transmitting a first command identifying the first leaf node for operating on the first data stored at the first node (col. 5, ll. 23-32; col. 5, l. 61 to col. 6, l. 4 and col. 8, l. 25 to col. 12, l. 19), as the module would operate on the firmware update data via downloading and updating processes.

Rao does not teach the method comprising specifying execution of an unidentified executable on the first data.

Szeto teach a system and method comprising specifying execution of an unidentified executable (e.g. supporting application) on a first data (Fig. 12A and col. 12, l. 66 to col. 13, l. 16), as the specification of the supporting application is in accordance with the property of the first data.

It would have been obvious for one of ordinary skill in this art, at the time of invention was made to include Szeto's specification of the unidentified executable into Rao's operation of the first data for the benefit of having a reliable system and method for a user to execute and control application (Szeto, col. 2, ll. 30-33) to obtain the invention as specified in claim 36.



43. As per claim 37, Rao teaches a server (Fig. 1, ref. 109), comprising:

a memory configured to store a code execution of which resulting in operating comprising: identifying first data and operating on the first data; and an interface configure to transmit the code (Fig. 1; col. 3, ll. 21-44; col. 4, l. 62 to col. 5, l. 8; col. 6, l. 49 to col. 7, l. 19; col. 7, ll. 38-41 and col. 8, l. 25 to col. 12, l. 19), wherein the interface may includes the SyncML engine (Fig. 1, ref. 137).

Rao does not teaches the server comprising specifying execution of an unidentified executable on the first data.

Szeto teach a system and method comprising specifying execution of an unidentified executable (e.g. supporting application) on a first data (Fig. 12A and col. 12, l. 66 to col. 13, l. 16), as the specification of the supporting application is in accordance with the property of the first data.

It would have been obvious for one of ordinary skill in this art, at the time of invention was made to include Szeto's specification of the unidentified executable into Rao's operation of the first data for the benefit of having a reliable system and method for a user to execute and control application (Szeto, col. 2, ll. 30-33) to obtain the invention as specified in claim 37.

44. As per claim 38, Rao and Szeto teach all the limitations of claim 37 as discussed above, where Rao further teaches a server comprising wherein the operations further comprise setting up an electronic device (Rao, Fig. 1, ref. 107) (Rao, Fig. 1; col. 3, ll.

Art Unit: 2181

21-44; l. 8; col. 6, l. 49 to col. 7, l. 19; col. 7, ll. 38-41 and col. 8, l. 25 to col. 12, l. 19), as the firmware update data is utilized for setting up the mobile handset.

45. As per claim 39, Rao and Szeto teach all the limitations of claim 37 as discussed above, where Rao further teaches a server comprising wherein the operations further comprise re-using the code in setting up different electronic devices (Rao, Fig. 1; col. 2, ll. 3-20; col. 3, ll. 21-44; l. 8; col. 6, l. 49 to col. 7, l. 19; col. 7, ll. 38-41 and col. 8, l. 25 to col. 12, l. 19), as the SyncML specification is able to work any mobile device, the code would be re-usable for different electronic device.

46. As per claim 40, Rao teaches a server (Fig. 1, ref. 109), comprising:

a memory configure to store instruction, execution of which resulting in operations comprising: creating at an electronic device (Fig. 1, ref. 107) a hierarchical nodular data structure (e.g. tree data structure), having leaf nodes and interior nodes, that comprises first data stored at a first leaf node, and configured to a first command identifying the first leaf node for operating on the first data stored at the first node (Fig. 1; col. 3, ll. 21-44; col. 4, l. 62 to col. 5, l. 8; col. 5, l. 23 to col. 6, l. 4; col. 6, l. 49 to col. 7, l. 19; col. 7, ll. 38-41 and col. 8, l. 25 to col. 12, l. 19), as the tree data structure includes the leaf nodes and interior nodes and the operation includes downloading and updating processes of update firmware data; and

a transmitter configured to transmit the stored instructions (Fig. 1; col. 3, ll. 21-44; col. 4, l. 62 to col. 5, l. 8 and col. 8, l. 25 to col. 12, l. 19), as the transmitter is needed in order to transfer the command to the mobile handset (Fig. 1, ref. 109).

Rao does not teaches the server comprising specifying execution of an unidentified executable on the first data.

Szeto teach a system and method comprising specifying execution of an unidentified executable (e.g. supporting application) on a first data (Fig. 12A and col. 12, l. 66 to col. 13, l. 16), as the specification of the supporting application is in accordance with the property of the first data.

It would have been obvious for one of ordinary skill in this art, at the time of invention was made to include Szeto's specification of the unidentified executable into Rao's operation of the first data for the benefit of having a reliable system and method for a user to execute and control application (Szeto, col. 2, ll. 30-33) to obtain the invention as specified in claim 40.

47. As per claim 41, Rao teaches a computer program product comprising program instructions embodied on a tangible computer readable-readable medium, execution of the program instructions resulting in operations comprising:

means for automatically determining (e.g. determining via recognition) a property of a received command identifying first data (e.g. property identifying first data to be firmware update data) (Fig. 1; col. 3, ll. 21-44; col. 6, l. 49 to col. 7, l. 19 and col. 8, l. 25

to col. 12, I. 19), as the received command is recognized by the electronic device to have the property associated with firmware updating; and

means for enabling the identified first data to be operated on using an executable (e.g. module)(col. 5, II. 23-32 and col. 5, I. 61 to col. 6, I. 4), as the module would operate on the firmware update data via downloading and updating processes.

Rao does not teach the computer program product comprising means for automatically identifying an executable from the determined property for operating on the identified first data.

Szeto teach a system and method comprising means for automatically identifying an executable (e.g. supporting application) from a determined property (e.g. movie trailer, game, animation cartoon, advertisement, flash presentation) for operating on an identified first data (Fig. 12A and col. 12, I. 66 to col. 13, I. 16), as the property of the received data is determined for identifying and launching the corresponding supporting application to operate on the received data.

It would have been obvious for one of ordinary skill in this art, at the time of invention was made to include Szeto's identification of the executable into Rao's operation of the first data for the benefit of having a reliable system and method for a user to execute and control application (Szeto, col. 2, II. 30-33) to obtain the invention as specified in claim 41.

48. As per claim 42, Rao teaches a computer program product comprising program instructions embodied on a tangible computer readable medium, execution of the program instruction resulting in operations comprising:

creating a data structure wherein the data structure (e.g. tree data structure) is capable of re-use in setting-up electronic devices (Fig. 1, ref. 107) by having a plurality of user friendly commands, each of which includes one or more commands (e.g. commands including Add, Copy, Delete, Exec, Get, Sequence) (Rao, Fig. 1; col. 2, ll. 3-20; col. 3, ll. 21-44; col. 6, l. 49 to col. 7, l. 19; col. 7, ll. 38-41 and col. 8, l. 25 to col. 12, l. 19), as the SyncML specification is able to work with any mobile device, therefore, the data structure would be re-usable.

Rao does not teach the computer program product comprising associating each one of the plurality of user friendly commands with different code portions

Szeto teach a system and method comprising associating each one of the plurality of user friendly commands (e.g. received IM message) with different code portions (e.g. supporting application) (Fig. 12A and col. 12, l. 66 to col. 13, l. 16), as the received IM message is associated with the corresponding supporting application via determination of the received IM message's application type.

It would have been obvious for one of ordinary skill in this art, at the time of invention was made to include Szeto's association into Rao's user friendly commands and code portions for the benefit of having a reliable system and method for a user to execute and control application (Szeto, col. 2, ll. 30-33) to obtain the invention as specified in claim 42.

## **VI. CLOSING COMMENTS**

### **Conclusion**

#### **a. STATUS OF CLAIMS IN THE APPLICATION**

The following is a summary of the treatment and status of all claims in the application as recommended by **M.P.E.P. 707.07(i)**:

##### **a(1) CLAIMS REJECTED IN THE APPLICATION**

Per the instant office action, claims 1-29 and 31-42 have received a first action on the merits and are subject of a first action non-final.

#### **b. DIRECTION OF FUTURE CORRESPONDENCES**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chun-Kuan (Mike) Lee whose telephone number is (571) 272-0671. The examiner can normally be reached on 8AM to 5PM.

### **IMPORTANT NOTE**

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alford Kindred can be reached on (571) 272-4037. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2181

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

February 25, 2008

Chun-Kuan (Mike) Lee  
Examiner  
Art Unit 2181

/Alford W. Kindred/

Supervisory Patent Examiner, Art Unit 2163